

THE GOVERNMENT OF THE RUSSIAN FEDERATION
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THE NATIONAL RESEARCH UNIVERSITY
HIGHER SCHOOL OF ECONOMICS

Faculty of Law
Department of General and Interbranch Legal Disciplines
Public and Private International Law Chair

Master Degree Curriculum
Year 1
Field of Education **40.04.01. – Jurisprudence**
Master Program **Law of International Trade, Finance and Economic**
Integration
Level **Master Degree**

THE LAW AND PRACTICE OF THE WORLD TRADE
ORGANIZATION

Course Syllabus
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Approved at the Department
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This Syllabus cannot be used by other departments of the University or by other universities without a permission of the Departments, which drafted it.

1. Sphere of Application and Normative References

This Syllabus sets up minimal requirements to knowledge and skills of students studying this discipline, content of lectures and practical exercises, as well as types of examination and requirements thereto. The Syllabus is addressed to lecturers, giving a course on «The Law and Jurisprudence of the World Trade Organization», study assistants and students of the Master program 40.04.01. “Law of International Trade, Finance and Economic Integration”.

The Syllabus is drafted in full correspondence with:

- Educational Standard of the National Research University Higher School of Economics on the Direction of study 40.04.01. “Jurisprudence”, Master level (approved by the Scientific Council of the HSE, minutes of 02 February 2018, № 1);
- Curriculum of the HSE of study of educational program “Law of International Trade, Finance and Economic Integration”, approved in 2018, Master level.

2. Learning Objectives and Outcomes

Learning Objectives

Main purpose of the course is to make students able to use norms of law of the World Trade Organization (WTO), make legal research and solve cases in this field.

Learning Outcomes

Students must gain knowledge on:

- competence and working methods of the Dispute Settlement Body (DSU) of the WTO and other international judicial and quasi-judicial bodies at the universal and regional levels that interpret and apply the law of the WTO;
- sources of law of the WTO;
- scope of application and content of the basic principles of law of the WTO.

Skills and abilities:

- to use specific terms and sources of law of the WTO;
- practical abilities of research, analysis of judicial decisions, rulings and scientific works;
- skills to analyse and solve cases, building up of the legal position and composition of procedural documents on cases in the sphere of law of the WTO.

Students should gain the following competences:

- ability to work with information (search, evaluate, use information, necessary for fulfilment of scientific and professional tasks, from various sources, including application of the systematic approach);
- ability to carry out professional activities in the international environment;
- ability to search, analyse, and work with legally relevant information by using the juridical, comparative and other specific methods;
- ability to describe legal problems and situations in the field of law of the WTO.

3. Competences gained as a result of the course

Код компетенции по порядку	Код компетенции по ЕК	Уровень формирования компетенции	Дескрипторы – основные признаки освоения (показатели достижения результата)	Формы и методы обучения, способствующие формированию и развитию компетенции	Форма контроля уровня сформированности компетенции
1) универсальные компетенции (УК):					
УК-1	СК-М1	РБ/СД/МЦ	способен рефлексировать (оценивать и перерабатывать) освоенные научные методы и способы деятельности	Лекции, семинарские занятия, самостоятельная работа	Экзамен
УК-2	СК-М2	РБ/СД/МЦ	способен создавать новые теории, изобретать новые способы и инструменты профессиональной деятельности	Лекции, семинарские занятия, самостоятельная работа	Экзамен
УК-3	СК-М3	РБ/СД/МЦ	способен к самостоятельному освоению новых методов исследований, изменению научного и производственного профиля своей деятельности	Лекции, семинарские занятия, самостоятельная работа	Экзамен
УК-4	СК-М4	РБ/СД/МЦ	способен совершенствовать и развивать свой интеллектуальный и культурный уровень, строить траекторию профессионального	Лекции, семинарские занятия, самостоятельная работа	Экзамен

			развития и карьеры		
УК-5	СК-М5	РБ/СД/МЦ	способен принимать управленческие решения и готов нести за них ответственность	Лекции, семинарские занятия, самостоятельная работа	Экзамен
УК-6	СК-М6	РБ/СД/МЦ	способен анализировать, верифицировать, оценивать полноту информации в ходе профессиональной деятельности, при необходимости восполнять и синтезировать недостающую информацию	Лекции, семинарские занятия, самостоятельная работа	Экзамен
УК-7	СК-М7	РБ/СД/МЦ	способен организовать многостороннюю коммуникацию и управлять ею	Лекции, семинарские занятия, самостоятельная работа	Экзамен
УК-8	СК-М8	РБ/СД/МЦ	способен вести профессиональную, в том числе научно-исследовательскую деятельность в международной среде	Лекции, семинарские занятия, самостоятельная работа	Экзамен
2) общепрофессиональные компетенции (ОПК):					
ОПК-1	ИК-М4 (Ю)	РБ/СД/МЦ	способен обоснованно и эффективно использовать информационные технологии и программные средства (в обязательном порядке справочно-правовые системы) для решения задач профессиональной деятельности	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ОПК-2	ИК-М1.1_1.2_1.3 НИД (Ю)	РБ/СД/МЦ	способен формулировать цели, ставить конкретные задачи исследований в фундаментальных и прикладных областях юриспруденции и предлагать научно-обоснованные пути их решения	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ОПК-3	ИК-М1.1.Н	РБ/СД/МЦ	способен к обработке и интерпретации правовой	Лекции, семинарские	Экзамен

	ИД (Ю)		и другой релевантной эмпирической информации с использованием объяснительных возможностей юридической науки	занятия, самостоятельная работа	
ОПК-4	ИК-М3 (Ю)	РБ/СД/МЦ	способен систематизировать, оформлять и представлять правовую информацию, являющуюся результатом профессиональной деятельности с использованием методов, методик и приемов презентации	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ОПК-5	ИК-М1.2.П Д_6.2 (Ю)	РБ/СД/МЦ	способен самостоятельно организовать профессиональную деятельность, строя ее на основе правовых норм	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ОПК-6	ИК-М2.1_2. 2._2.4.1_2.4.2-2.	РБ/СД/МЦ	способен организовать и поддерживать коммуникации с научно-исследовательскими учреждениями и информационно-аналитическими службами по вопросам обмена информацией, научного консультирования и экспертизы	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ОПК-7	ИК-М1.2.П Д_1.2_1.3 (Ю)	РБ/СД/МЦ	способен составлять и представлять проекты аналитических документов в соответствии с актуальными нормативными актами, распределяя их по юридической силе	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ОПК-8	ИК-М4.1.М 4.3.М4.4 .М4.6. (Ю)	РБ/СД/МЦ	способен собирать, обрабатывать и интерпретировать данные, необходимые для формирования суждений по различному типу проблем на основе их правового анализа	Лекции, семинарские занятия, самостоятельная работа	Экзамен

3) профессиональные компетенции (ПК):					
ПК-1	ИК-М1.1.Н ИД_7.1 АД_КД (Ю)	РБ/СД/МЦ	способен разрабатывать методологический инструментарий, теоретические модели и информационные материалы для осуществления исследовательской, аналитической и консалтинговой проектной деятельности в правовом исследовании	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ПК-2	ИК-М1.1. НИД (Ю)	РБ/СД/МЦ	способен совершенствовать теоретические и методологические подходы и исследовательские методы, в том числе методы сбора, анализа и интерпретации правовой информации	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ПК-3	ИК-М5.6. (Ю), 7.1.- ПТД_Ю	РБ/СД/МЦ	способен идентифицировать потребности и интересы общества и отдельных его групп, предлагать механизмы их согласования между собой с правовой аргументацией	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ПК-4	ИК-М1ЭД (Ю)	РБ/СД/МЦ	способен разрабатывать предложения и рекомендации для проведения правовой экспертизы и/или консалтинга	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ПК-5	ИК-М3_4.2._7 КД (Ю)	РБ/СД/МЦ	способен распространять правовые знания, консультировать работников органов управления, предприятий, учреждений и организаций при решении вопросов из деятельности	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ПК-6	ИК-М1.1_ЭД1 .3 (Ю) ЭК ПК УД	РБ/СД/МЦ	способен оценивать правовые последствия программной и проектной деятельности органов управления; проводить	Лекции, семинарские занятия, самостоятельная работа	Экзамен

			правовую экспертизу программ, проектов, нормативных и правовых актов, методических материалов		
ПК-7	ИК-М4.5 С	РБ/СД/МЦ	способен использовать в профессиональной деятельности основные требования информационной безопасности	Лекции, семинарские занятия, самостоятельная работа	Экзамен
ПК-8	СЛК-М2	РБ/СД/МЦ	способен учитывать социальные и мультикультурные различия для решения проблем в профессиональной деятельности	Лекции, семинарские занятия, самостоятельная работа	Экзамен

4. Place of the discipline in the structure of Master program

This discipline belongs to the elective part of the professional courses (Major). The discipline is based on the following courses, studied by students: «International Investment Law», «International Economics and International Trade», «Modern Problems of International Economic Law».

Knowledge and skills gained by students at the course «International Trade Law and Law of the World Trade Organization» can be used at the course «International Negotiations and Settlement of International Economic Disputes», «International Financial Law», «Law of International Turnover».

5. Content of the discipline

№ №	Topic	Hours in total	Contact Hours		Self-study
			<i>Lectures</i>	<i>Seminars</i>	
1.	Topic 1. Legal status of the WTO.	28	2	0	26
2.	Topic 2. Law of the WTO and its sources.	28	2	4	22
3.	Topic 3. WTO dispute settlement.	28	2	0	26
4.	Topic 4. Most-favoured-nation treatment and national treatment.	30	4	4	22
5.	Topic 5. General and security exceptions.	30	0	4	26

6.	Topic 6. Safeguard measures.	28	2	4	22
7.	Topic 7. Trade in services.	28	2	4	22
8.	Topic 8. Intellectual property rights.	28	2	4	22
	Total:	228	16	24	188

Topic 1.

Legal status of the WTO

1. WTO – the successor of the GATT.
2. The origins of the WTO.
3. Objectives and functions of the WTO.
4. Membership of the WTO.
5. Structure of the WTO.
6. Decision-making in the WTO.

Reading:

1. The Marrakesh Agreement establishing the World Trade Organization. URL: https://www.wto.org/english/docs_e/legal_e/04-wto_e.htm.
2. Jones K. Reconstructing the World Trade Organization for the 21st Century. An Institutional Approach. Oxford: Oxford University Press, 2015.
3. Marceau G.A. (ed.) History of Law and Lawyers in the GATT/WTO. The Development of the Rule of Law in the Multilateral Trading System. Geneva and Cambridge: WTO and Cambridge University Press co-publication, 2015.
4. Matsushita M., Schoenbaum T. J., Mavroidid P.C., Hahn M. The World Trade Organization: Law, Practice and Policy (Oxford International Law Library Series). 3d ed. Oxford: Oxford University Press, 2015 (Chapter 1. The WTO Institution).
5. Van den Bossche P., Zdouc W. The Law and Policy of the World Trade Organization. 3d ed. Cambridge: Cambridge University Press, 2015 (Chapter 2. The World Trade Organization).
6. Van Grassek C. The History and Future of the World Trade Organization. Geneva: WTO publishing, 2013.

Topic 2.

The Law of the WTO and its sources

1. The Marrakesh Agreement establishing the World Trade Organization.
2. Sources of WTO law.

3. Interpreting of WTO law.
4. WTO law and international law.
5. WTO law and preferential trade agreements.
6. WTO and national law.

Reading:

1. The Marrakesh Agreement establishing the World Trade Organization. URL: https://www.wto.org/english/docs_e/legal_e/04-wto_e.htm.
2. Boklan D. Compatibility of the Eurasian Economic Union Law and the WTO Agreements. In: The Eurasian Economic Union and the European Union: moving toward a greater understanding. A. di Gregorio and A. Angeli (eds.). The Hague: Eleven International Publishing, 2017.
3. Cook G. A Digest of WTO Jurisprudence on Public International Law Concepts and Principles. Cambridge: Cambridge University Press, 2015.
4. Matsushita M., Schoenbaum T. J., Mavroidis P.C., Hahn M. The World Trade Organization: Law, Practice and Policy (Oxford International Law Library Series). 3d ed. Oxford: Oxford University Press, 2015 (Chapter 1. The WTO Institution).
5. Qureshi A.H. Interpreting WTO Agreements. Cambridge: Cambridge University Press, 2015.
6. Regional Trade Agreements and Multilateral Trading System. A. Rohini ed. Cambridge: Cambridge University Press, 2016.
7. Van den Bossche P., Zdouc W. The Law and Policy of the World Trade Organization. 3d ed. Cambridge: Cambridge University Press, 2015 (Chapter 1. International trade and the law of the WTO).

Case-law:

1. Appellate Body Report, *Brazil – Desiccated Coconut*, WT/DS22/AB/R, adopted 21 February (1997).
2. Appellate Body Report, *Argentina – Footwear*, WT/DS56/AB/R, AB adopted 27 March (1998).
3. Appellate Body Report, *Mexico-Soft Drinks*, WT/DS308/AB/R, AB adopted 06 March (2006).
4. Panel Report, *China – Measures Related to the Exportation of Various Raw Materials*, WT/DS394/R; WT/DS395/R; WT/DS398/R, adopted 05 July (2011).

Topic 3.

WTO dispute settlement

1. Understanding of Rules and Procedures Governing the Settlement of Disputes: basic principles.
2. Jurisdiction of the WTO Dispute Settlement Body.
3. Access to the WTO dispute settlement system.
4. Process of WTO dispute settlement.
5. Future challenges to WTO dispute settlement.

Reading:

1. Bown C.P., Pauwelyn J. (eds.) *The Law, Economics and Politics of Retaliation in WTO Dispute Settlement*. Cambridge: Cambridge University Press, 2014.
2. Matsushita M., Schoenbaum T. J., Mavroidis P.C., Hahn M. *The World Trade Organization: Law, Practice and Policy* (Oxford International Law Library Series). 3d ed. Oxford: Oxford University Press, 2015 (Chapter 4. Dispute Settlement).
3. Van den Bossche P., Zdouc W. *The Law and Policy of the World Trade Organization*. 3d ed. Cambridge: Cambridge University Press, 2015 (Chapter 3. WTO dispute settlement).

Case-law:

1. Appellate Body Report, *US – Wool shirts and Blouses*, WT/DS33/AB/R, AB adopted 23 May (1997).
2. Appellate Body Report, *India - Patent Protection for Pharmaceutical and Agricultural Chemical Products*, WT/DS50/AB/R, AB adopted 16 January (1997).
3. Appellate Body Report, *EC – Hormones*, WT/DS26/AB/R, AB adopted 13 February (1998).
4. Appellate Body Report, *US-Shrimp*, WT/DS58/AB/R, AB adopted 06 November (1998).
5. Panel Report, *US – Section 301 Trade Act*, WT/DS152/R, PR circulated 22 December (1999).
6. Appellate Body Report, *Korea – Definitive Safeguard Measure on Imports of Certain Dairy Products*, WT/DS98/AB/R, adopted 12 January (2000).
7. Appellate Body Report, *United States – Countervailing Duties on Certain Corrosion-Resistant Carbon Steel Flat Products from Germany*, WT/DS213/AB/R, AB adopted 19 December (2002).
8. Panel Report, *EC – Approval and Marketing of Biotech Products*, WT/DS291/R, PR adopted 21 November (2006).
9. Appellate Body Report, *EC and certain member States – Large Civil Aircraft*, WT/DS316/AB/R, AB adopted 01 June (2011).

Topic 4.

Most-favoured-nation treatment (MFN) and national treatment (NT)

1. MFN under GATT.
2. MFN under GATS.
3. NT under GATT.
4. NT under GATS.

Reading:

1. General Agreement on Tariffs and Trade (GATT 1947). URL: https://www.wto.org/english/docs_e/legal_e/gatt47.pdf.
2. General Agreement on Trade in Services (GATS). URL: https://www.wto.org/english/docs_e/legal_e/26-gats.pdf.
3. Final Report of the Study Group of the International Law Commission on the MFN Clause. URL: http://legal.un.org/docs/?path=../ilc/texts/instruments/english/reports/1_3_2015.pdf&lang=EF.
4. Mavroidis P.C., Wu M. The Law of the World Trade Organization (WTO). 2d ed. St. Paul: West, 2013 (Chapter 4. Most Favoured Nation, Chapter 8. National Treatment).
5. Van den Bossche P., Zdouc W. The Law and Policy of the World Trade Organization. 3d ed. Cambridge: Cambridge University Press, 2015 (Chapter 4. Most-favoured-nation treatment, Chapter 5. National treatment).

Case-law:

1. Appellate Body Report, *Japan – Alcoholic Beverages II*, WT/DS8/AB/R, AB adopted 1 November (1996).
2. Panel Report, *EC – Bananas III*, WT/DS27/R, PR circulated 22 May (1997).
3. Panel Report, *Indonesia – Autos*, WT/DS55/R, PR circulated 02 July (1998).
4. Appellate Body Report, *Canada-Autos*, WT/DS139/AB/R, AB adopted 19 June (2000).
5. Panel Report, *EC – Tariff Preferences*, WT/DS246/R, PR circulated 01 December (2003).
6. Appellate Body Report, *EC-Tariff Preferences*, WT/DS246/AB/R, AB adopted 20 April (2004).
7. Appellate Body Report, *China-Auto Parts*, WT/DS339/AB/R, AB adopted 12 January (2009).

Topic 5.

General and security exceptions

1. General exceptions under the GATT.
2. General exceptions under the GATS.
3. Security exceptions under the GATT and the GATS.

Reading:

1. General Agreement on Tariffs and Trade (GATT 1947). URL: https://www.wto.org/english/docs_e/legal_e/gatt47.pdf.
2. General Agreement on Trade in Services (GATS). URL: https://www.wto.org/english/docs_e/legal_e/26-gats.pdf.
3. Mavroidis P.C., Wu M. *The Law of the World Trade Organization (WTO)*. 2d ed. St. Paul: West, 2013 (Chapter 26. Exceptions).
4. Van den Bossche P., Zdouc W. *The Law and Policy of the World Trade Organization*. 3d ed. Cambridge: Cambridge University Press, 2015 (Chapter 8. General and security exceptions).

Case-law:

1. Appellate Body Report, *European Communities – Regime for the Importation, Sale and Distribution of Bananas*, WT/DS27/AB/R, AB adopted 9 September (1997).
2. Appellate Body Report, *United States – Import Prohibition of Certain Shrimp and Shrimp Products*, WT/DS58/AB/R, AB adopted 06 November (1998).
3. Appellate Body Report, *European Communities – Measures Affecting Asbestos and Asbestos-Containing Products*, WT/DS135/AB/R, AB adopted 12 March (2001).
4. Appellate Body Report, *China – Raw Materials*, WT/DS394/AB/R, AB adopted 22 February (2012).
5. Appellate Body Report, *European Communities – Measures Prohibiting the Importation and Marketing of Seal Products* WT/DS401/AB/R, AB adopted 22 May (2014).
6. Appellate Body Report, *China – Measures Related to the Exportation of Rare Earth, Tungsten and Molybdenum*, WT/DS431/AB/R, AB adopted 26 August (2014).

Topic 6.

Safeguard measures

1. Anti-dumping measures.
2. Countervailing measures.
3. Special safeguard measures.

Reading:

1. Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994. URL: https://www.wto.org/ENGLISH/DOCS_E/legal_e/19-adp.pdf.
2. Agreement on Subsidies and Countervailing Measures. URL: https://www.wto.org/ENGLISH/tratop_e/scm_e/subs_e.htm.
3. Agreement on Safeguards. URL: https://www.wto.org/English/tratop_E/safeg_e/safeint.htm.
4. Coopers D. WTO Disciplines on Subsidies and Countervailing Measures. Cambridge: Cambridge University Press, 2014.
5. Matsushita M., Schoenbaum T.J., Mavroidid P.C., Hahn M. The World Trade Organization: Law, Practice and Policy (Oxford International Law Library Series). 3d ed. Oxford: Oxford University Press, 2015 (Chapter 10. Subsidies and countervailing Measures, Chapter 11. Antidumping, Chapter 12. Safeguards).
6. Narlikar A., Daunton M., Stern R.M. (eds.) The Oxford Handbook on the World Trade Organization (Oxford Handbooks Series). Oxford: Oxford University Press, 2014 (Chapter 19. Rules: Anti-dumping, Countervailing Duties and Safeguards).
7. Pierola F. The Challenge of Safeguards in the WTO. Cambridge: Cambridge University Press, 2014.
8. Regan D.H. Regulatory Purpose in GATT Article III, TBT Article 2.1, the Subsidies Agreement. In: Calster G.V., Prevost D. (eds.) Research Handbook on Environment Health and the WTO. Cheltenham, Northampton: Edward Elgar, 2013. P. 41-78.
9. Van den Bossche P., Zdouc W. The Law and Policy of the World Trade Organization. 3d ed. Cambridge: Cambridge University Press, 2015 (Chapter 11. Dumping, Chapter 12. Subsidies).

Case-law:

1. Appellate Body Report, *Argentina-footwear (EC)*, WT/DS121/AB/R, AB adopted 12 January (2000).
2. Appellate Body Report, *US-Hot-Rolled Steel*, WT/DS184/AB/R, AB adopted 23 August (2001).
3. Appellate Body Report, *EC – Bed Linen*, WT/DS141/AB/R, AB adopted 12 March (2001).
4. Appellate Body Report, *US – line Pipe*, WT/DS202/AB/R, AB adopted 8 March (2002).
5. Appellate Body Report, *US – Steel Safeguards*, WT/DS252/AB/R, AB adopted 10 December (2003).
6. Appellate Body Report, *US – Softwood Lumber V*, WT/DS264/AB/R, AB adopted 31 August (2004).

7. Appellate Body Report, *US – Antidumping Measures on Oil Country Tubular Goods*, WT/DS282/AB/R, AB adopted 28 November (2005).
8. Appellate Body Report, *US-Zeroing (EC)*, WT/DS294/AB/R, AB adopted 9 May (2006).
9. Appellate Body Report, *US – Zeroing (Japan)*, WT/DS322/AB/R, AB adopted 23 January (2007).
10. Appellate Body Report, *EC-Fasteners (China)*, WT/DS397/AB/R, AB adopted 28 July (2011).
11. Panel Report, *Canada – Aircraft*, WT/DS70/R, PR circulated 14 April (1999).

Topic 7.

Trade in services

1. Scope of application of the General Agreement on Trade in Services (GATS).
2. General obligations under the GATS.
3. The Modes of Supply.
4. Market access under the GATT.
5. National treatment under the GATT.
6. Specific commitments under the GATS.

Reading:

1. General Agreement on Trade in Services 1994. URL: https://www.wto.org/english/res_e/booksp_e/analytic_index_e/gatt1994_09_e.htm.
2. Delimatsis P. GATS and public health care: reflecting on an uneasy relationship // In: Calster G.V., Prevost D. (eds.) *Research Handbook on Environment Health and the WTO*. Cheltenham, Northampton: Edward Elgar, 2013. P. 363-389.
3. Lim A.H., Meester B. (eds.) *WTO Domestic Regulation and Services Trade: Putting Principles into Practice*. Geneva and Cambridge: WTO and Cambridge University Press co-publication, 2014.
4. Matsushita M., Schoenbaum T. J., Mavroidis P.C., Hahn M. *The World Trade Organization: Law, Practice and Policy* (Oxford International Law Library Series). 3d ed. Oxford: Oxford University Press, 2015 (Chapter 16. Trade in Services).
5. Narlikar A., Daunton M., Stern R.M. (eds.) *The Oxford Handbook on the World Trade Organization* (Oxford Handbooks Series). Oxford: Oxford University Press, 2014 (Chapter 17. Trade in Services in the WTO: From Marrakesh (1994) to Doha (2001)).

Case law:

1. Appellate Body Report, *China-Publications and Audiovisual Products*, WT/DS363/AB/R, AB adopted 19 January, (2010).
2. Penal Report, *EC – Bananas III (Ecuador)*, WT/DS27/R, PR circulated 22 May (1997).
3. Penal Report, *EC – Bananas III (US)*, WT/DS27/R, PR circulated 12 April (1999).
4. Penal Report, *Canada – Autos*, WT/DS139/R, PR circulated 11 February (2000).
5. Penal Report, *China – Electronic Payment Services* WT/DS413/R, PR circulated 16 July (2012).

Topic 8.

Intellectual property rights

1. The origins and objectives of the Agreement on Trade-Related Aspects of Intellectual Property Rights 1994 (TRIPS).
2. Scope of application of the TRIPS Agreement.
3. General provisions and basic principles of the TRIPS Agreement.
4. Substantive protection of intellectual property rights.

Reading:

1. Agreement on Trade-Related Aspects of Intellectual Property Rights 1994. URL: https://www.wto.org/ENGLISH/docs_e/legal_e/27-trips.pdf.
2. Kennedy M. WTO Dispute Settlement and the TRIPS Agreement. Cambridge: Cambridge University Press, 2016.
3. Matsushita M., Schoenbaum T. J., Mavroidis P.C., Hahn M. The World Trade Organization: Law, Practice and Policy (Oxford International Law Library Series). 3d ed. Oxford: Oxford University Press, 2015 (Chapter 17. Intellectual Property).
4. Mercurio B. TRIPs and access to essential medicines. In Research Handbook on Environment Health and the WTO // In: Calster G.V., Prevost D. (eds.) Research Handbook on Environment Health and the WTO. Cheltenham, Northampton: Edward Elgar, 2013. P. 233-269.
5. Narlikar A., Daunton M., Stern R.M. (eds.) The Oxford Handbook on the World Trade Organization (Oxford Handbooks Series). Oxford: Oxford University Press, 2014 (Chapter 18. Trade Related Intellectual Property Rights (TRIPs)).
6. Van den Bossche P., Zdouc W. The Law and Policy of the World Trade Organization. 3d ed. Cambridge: Cambridge University Press, 2015 (Chapter 15. Intellectual property rights).
7. Watal J., Taubman A. (eds.) The Making of the TRIPS Agreement. Geneva: WTO, 2015.

Case law:

1. Appellate Body Report, *India-Patents (US)*, WT/DS50/AB/R, adopted 16 January, (1998).
2. Appellate Body Report, *US – Section 211 Appropriations Act*, WT/DS176/AB/R, AB adopted 1 February, (2002).
3. Penal Report, *Canada – Pharmaceutical Patents* WT/DS114/R, PR circulated 17 March (2000).
4. Penal Report, *EC – Trademarks and Geographical Indications (Australia)*, WT/DS290/R, PR circulated 15 March (2005).

6. Methods of Instruction

- use of interactive educational technologies (problematic lectures, Socrates method, work in small groups);
- use of ratings and accumulative system of control.

7. Examination (in a written form)

Type of tasks	Criteria of evaluation	Points (the result of examination is calculated as a direct average of first and second task)
1. Multiple choice questions	The answers are correct	10
	The answers are partly correct	4-7
	The answers are wrong	0
2. Open question	A correct full answer based on legal sources and consistent argumentation	10
	In general, a correct full answer based on legal sources and consistent argumentation, but there are few minor mistakes or omissions	8-9
	In general, a correct full answer based on legal sources and consistent argumentation, but there are few mistakes or omissions	6-7

	In general, a correct full answer based on legal sources and consistent argumentation, but there are few minor mistakes or omissions	5
	In general, a correct answer, which is not based on legal sources	4
	A wrong choice of applicable law	0

A sample of an examination task:

1. Choose one or several answers.

The Dispute Settlement Body is:

1. International tribunal
2. Separate WTO organ
3. One of the General Council function
4. The same as the Appellate Body
5. The same as the Penal
6. Quasi judicial WTO organ

2. Provide ant answer to the question basing it on particular WTO law norms, jurisprudence of the DSU and doctrine:

What is the difference between MFN under GATT and GATS?

8. Final mark for the discipline

$$\text{Mark}_{\text{final}} = 0,7 \times \text{Mark}_{\text{exam}} + 0,2 \times \text{Mark}_{\text{homework}} + 0,1 \times \text{Mark}_{\text{in class}}$$

Re-examination is carried out in form of a written assignment (1h 20min, open questions and case-studies).

9. Reading list and Internet-resources

9.1. Basic text-book

Van den Bossche P., Zdouc W. The Law and Policy of the World Trade Organization. 3d ed. Cambridge: Cambridge University Press, 2015.

9.2. Basic literature:

1. Matsushita M., Schoenbaum T. J., Mavroidid P.C., Hahn M. The World Trade Organization: Law, Practice and Policy (Oxford International Law Library Series). 3d ed. Oxford: Oxford University Press, 2015.
2. Jones K. Reconstructing the World Trade Organization for the 21st Century. An Institutional Approach. Oxford: Oxford University Press, 2015.
3. Cook G. A Digest of WTO Jurisprudence on Public International Law Concepts and Principles. Cambridge: Cambridge University Press, 2015.
4. Qureshi A.H. Interpreting WTO Agreements. Cambridge: Cambridge University Press, 2015.
5. Narlikar A., Daunton M., Stern R.M. (eds.) The Oxford Handbook on the World Trade Organization (Oxford Handbooks Series). Oxford: Oxford University Press, 2014.

9.3. Internet-resources:

<https://www.wto.org/>

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